

030904

15992 U.S. PTO

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that on 3/9/2004, this paper (along with any paper referred to as being attached or enclosed) is being transmitted via express mail no EV 308792754 US.

Shauna Murray  
Shauna Murray

**PATENT**

Applicant: Acey et al.  
Serial No.: 09/948495  
Filed: 09/6/2001  
Title: METAL BINDING PROTEINS & ASSOCIATED METHODS  
GAU 1632  
Examiner: S. Priebe  
Docket No.: 14353.11 (formally 21089.11)

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10/797748

030904

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****DIVISIONAL APPLICATION UNDER 37 CFR 1.53(B)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b) of pending prior application:

Serial No. 09/948,495  
Filed: September 06, 2001  
Entitled: **METAL BINDING PROTEINS AND ASSOCIATED METHODS**  
Inventors: Roger A. Acey

1. ☒ Enclosed is a copy of the latest inventor-signed specification of the prior application, including the oath or declaration as originally filed. I hereby verify that the papers are a true copy of the latest signed specification of the prior application number 09/948,495, filed September 06, 2001, and further that all statements made herein of my own knowledge are true; and further that these statements made were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

2. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application.

	<u>Small Entity</u>	<u>Large Entity</u>	<u>TOTAL</u>
Basic Fee	\$385.00	\$770.00	\$385.00
Total Claims exceeding 20: x	\$9.00	\$18.00	
Indep. Claims exceeding 3 x	\$43.00	\$86.00	\$172.00
Multiple Dep. Claims	\$145.00	\$290.00	
TOTAL			\$557.00

3. The Power of Attorney in the prior application is to:

**OPPENHEIMER WOLFF & DONNELLY LLP**

840 Newport Center Drive, Suite 700

Newport Beach, CA 92660

**Attn: Louis C. Cullman**

Telephone: 949.823.6000

Facsimile: 949.823.6100

4. Address all future correspondence to:

**STRADLING YOCCA CARLSON & RAUTH**

660 Newport Center Drive, Suite 1600

Newport Beach, CA 92660

**ATTN:Louis C. Cullman**

Telephone: 949-725-4000

Facsimile: 949-725-4100

5. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed for the basic filing fee.

6. ☒ The Commissioner is hereby authorized to charge any required fees associated with this communication or to credit any overpayment to Deposit Account No. 50-1329. The original and one copy of this document are enclosed.

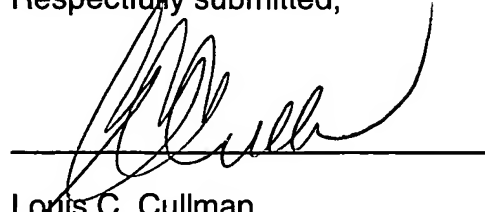
7. ☒ Amend the specification:

Related Applications:

This application is a divisional of U.S. patent application serial number 09/636057 filed August 10, 2000 which claims the benefit of U.S. provisional application No. 60/148526 filed August 12, 1999.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to Deposit Account No. 50-1329.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Cullman', is written over a horizontal line.

Louis C. Cullman

Reg. 39,645

Attorney for Applicants

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 557.00)

**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	Roger A. Acey
Examiner Name	
Art Unit	
Attorney Docket No.	14353-0012

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

50-1329

Stradling, Yocca, Carlson &amp; Rauth

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ 385.00)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	19	-20** = 0	9.00	0
Independent Claims	7	-3** = 4	43.00	172.00
Multiple Dependent			145.00	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$ 172.00)

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Louis C. Gullmann	Registration No. (Attorney/Agent)	39,645	Telephone	949-725-4154
Signature		Date	3/10/04		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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